



Learningtech.org®

The Miller Institute for Learning with Technology

February 26, 2018

Marlene H. Dortch, Secretary
Federal Communications Commission
Office of the Secretary
445 12th Street, SW
Washington, DC 20554

Subject: CC Docket No. 02-6 and CC Docket No. 96-45

Request for Waiver of “only one 120-day invoice deadline extension” rule cited on Invoice Deadline Extension Request for Funding Year 2016 for FRN 1699087809 and for FRN 1699142936:

Invoice Deadline Extension Request			
Enter the FRN for which a one-time 120 day extension is requested:			
FRN:	<input type="text" value="1699087809"/>	Find FRN	
FRN Detail:			
471:	161017773		
FRN:	1699087809		
BEN:	16066876	Applicant Name:	SPCSC CONSORTIUM
SPIN:	143000677	Service Provider:	Verizon Wireless (Cellico Partnership)
Commitment Status:	COMMITTED - FULL		
Committed Amount:	\$1683.48 <input type="text" value=""/>		
Amounts Disbursed:	\$0		
Last Date to Invoice:	2/26/2018		
FCC Form 486 Notification Letter date:	10/10/2016		
I request a one-time 120 day extension for this FRN. Submit			
Your request has been Denied.			
This request does not qualify for a deadline extension under the invoice deadline extension rules because you have previously requested an extension and USAC may approve only one 120-day extension.			

Invoice Deadline Extension Request			
Enter the FRN for which a one-time 120 day extension is requested:			
FRN:	<input type="text" value="1699142936"/>	Find FRN	
FRN Detail:			
471:	161061233		
FRN:	1699142936		
BEN:	16066876	Applicant Name:	SPCSC CONSORTIUM
SPIN:	143001197	Service Provider:	MCI Communications Corp
Commitment Status:	COMMITTED - FULL		
Committed Amount:	\$127.73		
Amounts Disbursed:	\$0		
Last Date to Invoice:	2/27/2018		
FCC Form 486 Notification Letter date:	9/27/2016		
I request a one-time 120 day extension for this FRN. Submit			
Your request has been Denied.			
This request does not qualify for a deadline extension under the invoice deadline extension rules because you have previously requested an extension and USAC may approve only one 120-day extension.			

Ms. Dortch,

KULA AUPUNI NIIHAU A KAHELELANI ALOHA [KANAKA] (BEN 16039120) and KONA PACIFIC PUBLIC CHARTER SCHOOL [KONA] (BEN 16051626) respectfully submit this formal request for a waiver of the “**only one 120-day invoice deadline extension**” rule.

This is a request for waiver and follows the SLD website instructions To File an Appeal with the FCC (<http://www.usac.org/about/about/program-integrity/appeals.aspx>). We appreciate that waivers are granted only in special circumstances and when a deviation from the rules would ***serve the public interest***. In this instance, we believe:

- KANAKA and KONA, two small charter schools, both once part of a consortium, are victims of unique extenuating circumstances and trapped without normal recourse within the E-Rate rules.
- KANAKA serves 50 students and KONA serves 236 students, both in rural areas of Hawaii, some of the most economically disadvantaged students in our country. These schools are prime examples of why E-Rate exists.
- For KANAKA, the Service Provider’s refusal to adhere to E-Rate rule that the Applicant chooses the invoicing method and/or to work cooperatively with the Applicant has exacerbated the situation.
- More time is needed to determine a way for KANAKA and KONA to recover their \$1683.48 and \$127.73, respectively, of committed funding for FY2016.

We hereby request that the FCC waive the “only one 120-day invoice deadline extension” rule due to the extenuating circumstances detailed below. With this waiver the SLD would be empowered to further assist KANAKA and KONA toward a resolution and recovery of committed funding.

This request for waiver was prepared with the assistance of The Miller Institute for Learning with Technology, dba Learningtech.org (see **[hawaii_loas.pdf](#)**).

Explanation of Events/Special Circumstances

State Public Charter School Consortium [SPCSC] (BEN 16066876) included 29 Hawaiian charter schools, including KANAKA (BEN 16039120) and KONA (BEN 16051626), for whom we are trying to get committed funding disbursed. SPCSC disbanded after management changes resulted in the decision to no longer provide E-Rate support to its member schools. SPCSC’s E-Rate consulting agreement with Learningtech.org ended 9/30/2016, but was extended through 12/31/2016 to allow Form 486s to be filed on behalf of consortium members who had received FCDLs. As Form 486’s were processed, SPI invoicing was requested of each service provider. After 12/31/2016, SPCSC had no participation in E-Rate, no FCC Form 498 had been completed, and Learningtech.org was not designated as SPCSC Finance representative with the access to file a Form 498 on their behalf.

The initial request to SPI KANAKA’s FRN 1699087809 went to Verizon Wireless on 10/19/2016 and is attached (see page 1 of **[verizon_docs.pdf](#)**). Unfortunately, Verizon Wireless

(SPIN 143000677) requires SPI requests prior to the start of the funding year (see page 2 of verizon_docs.pdf), noting:

“As a condition of participating in Verizon Wireless’ E-rate Support Program, you must register your account(s) and select your E-rate funding method (SPI or BEAR) via our website by June 26, 2017. Customers that fail to register accounts and/or specify their preferred funding method (SPI or BEAR) will be defaulted to the BEAR method. The SPI/BEAR billing method cannot be changed after the registration deadline.”¹

This service provider refuses to SPI if its own arbitrarily imposed deadline is not met, despite FCC directive that *APPLICANTS* choose the invoicing method (see page 4 of verizon_docs.pdf). Our 8/10/2017 follow-up request for SPI was acknowledged the same day and then denied with instructions to BEAR (see page 5 of verizon_docs.pdf).

We have tried to file BEAR for KANAKA’s FRN 1699087809, but because it was initially filed under SPCSC’s BEN (16066876), for which there is no approved Form 498, BEAR will not work. KANAKA and KONA have their own 498 IDs (443024243 and 443024487, respectively). We tried filing the BEAR under KANAKA’s BEN (since BEN 16039120 is listed as the Recipient of Service on FY2016 Form 471 #161017773), however that generates impassable validation errors (see page 1 of **bear.docs.pdf**).

Via USAC Case 221512 (see page 4 of bear_docs.pdf), we have connected with a knowledgeable and helpful USAC rep who has offered to connect us with a Verizon rep so that we can again implore the service provider do the right thing and help KANAKA. If we are able to convince the Verizon rep to facilitate applicant discounts and SPI, we are certain more time will be required.

Therefore, we request a waiver of the **“only one 120-day invoice deadline extension”** rule to allow sufficient time for Verizon to discount and SPI, and/or for USAC to find an alternative mechanism to distribute committed FY2016 discounts to KANAKA and KONA via BEAR.

It is our fervent hope that, in this particular instance, the FCC will make an allowance based on the mitigating circumstances enumerated above. Thank you for your consideration.

Regards,



Eileen Miller

VP, E-Rate & Technology Planning

Learningtech.org [The Miller Institute for Learning with Technology]

T: 650-598-0105 x252

F: 866-801-8667

emiller@learningtech.org

¹ This is a reference to FY2017, provided as an example.